

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: April 4, 2023

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RONNY BALL,

* Unpublished

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Petitioner,

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No. 21-1007V

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v.

*

Special Master Gowen

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Stipulation; Influenza (“Flu”);
Guillain-Barré Syndrome (“GBS”);

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Chronic Inflammatory

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Demyelinating Polyneuropathy

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(“CIDP”).

Respondent.

* * * * *

John L. DeFazio, Viola Cummings and Lindsay, LLP, Niagara Falls, NY, for petitioner.

Julia Marter Collison, U.S. Department of Justice, Washington, D.C., for respondent.

DECISION ON STIPULATION¹

On March 1, 2021, Ronny Ball (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program.² Petition (ECF No. 1). Petitioner filed an Amended Petition on March 16, 2022 and alleged that as a result of receiving the influenza (“Flu”) vaccine on October 9, 2018, he suffered from Guillain-Barré syndrome (“GBS”) and Chronic Inflammatory Demyelinating Polyneuropathy (“CIDP”). Amended Petition (ECF No. 30).

On April 4, 2023, respondent filed a stipulation providing that a decision should be entered awarding compensation to petitioner. Stipulation (ECF No. 43). Respondent denies that

¹ Pursuant to the E-Government Act of 2002, *see* 44 U.S.C. § 3501 note (2012), because this decision contains a reasoned explanation for the action in this case, I am required to post it on the website of the United States Court of Federal Claims. The court’s website is at <http://www.uscfc.uscourts.gov/aggregator/sources/7>. **This means the decision will be available to anyone with access to the Internet.** Before the decision is posted on the court’s website, each party has 14 days to file a motion requesting redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). “An objecting party must provide the court with a proposed redacted version of the decision.” *Id.* **If neither party files a motion for redaction within 14 days, the decision will be posted on the court’s website without any changes.** *Id.*

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to 34 (2012) (hereinafter “Vaccine Act” or “the Act”). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

the flu vaccine caused petitioner to suffer from GBS or CIDP, or any other injury or his current condition. *Id.* at ¶ 6. Nevertheless, maintaining their respective positions, the parties agree that the issues between shall be settled and that a decision should be entered awarding petitioner compensation according to the terms of the stipulation attached here to as Appendix A. *Id.* at ¶ 7.

The stipulation awards:

- a) **A lump sum of \$184,885.83, which amount represents compensation for first year life care expenses and pain and suffering, in the form of a check payable to petitioner; and**
- b) **An amount sufficient to purchase the annuity contract described in paragraph 10 below, paid to the life insurance company from which the annuity will be purchased (the “Life Insurance Company”).**

These amounts represent compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

I adopt the parties’ stipulation attached hereto, and award compensation in the amount and on the terms set forth therein. The Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties’ stipulation.³

IT IS SO ORDERED.

s/Thomas L. Gowen

Thomas L. Gowen
Special Master

³ Entry of judgment is expedited by each party’s filing notice renouncing the right to seek review. Vaccine Rule 11(a).